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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARRY SLADE,

 Petitioner,

 v.

RAYMOND MADDEN,

 Respondent.

No. 2:21-cv-00464 GGH P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 20, 2021, the undersigned issued an order directing petitioner to file an in forma pauperis affidavit, or pay the required filing fee (\$5.00), and file a motion for stay and abeyance within thirty days from the date of the order. ECF No. 4.

Petitioner has filed his application to proceed in forma pauperis. ECF No. 5. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Petitioner, however, has not filed a motion for stay and abeyance as directed by the undersigned. Petitioner will be provided one more opportunity to file a motion for stay and

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1 abeyance. Petitioner is warned that failure to file a motion for stay and abeyance within the
2 court's deadline will result in a recommendation that this action be dismissed as unexhausted.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner's motion to proceed in forma pauperis (ECF No. 5) is granted; and

5 2. Petitioner shall have twenty-one days to file a motion for stay and abeyance. Petitioner
6 is warned that failure to file a motion for stay and abeyance within the court's deadline will result
7 in a recommendation that this action be dismissed as unexhausted.

8 Dated: June 24, 2021

9 /s/ Gregory G. Hollows

10 UNITED STATES MAGISTRATE JUDGE
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